

REMARKS

Claims 1-26 are currently pending in the subject application and are presently under consideration. A listing of the claims is at pages 2-5. Claims 1, 8, 16, 20 and 22 have been amended herein. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-4, 7-9, 13, 16, 18-23 and 25-26 Under 35 U.S.C. §102(e)

Claims 1-4, 7-9, 13, 16, 18-23 and 25-26 stand rejected under 35 U.S.C. §102(e) as being anticipated by Hirata (U.S. Patent No. 6,374,406). It is respectfully submitted that this rejection be withdrawn for at least the following reason. Hirata does not disclose or suggest each and every element of the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject application discloses a token schema that identifies pertinent program information for a corresponding segment of broadcast audio and/or visual information. This allows a token enabled recording device to add the program criteria to a program list for recording at a future date and time, and also allows tokens to be tracked through a token GUID. In particular, independent claim 1 (from which claims 2-4 and 7 depend) recites ***a schema comprising a multi-level data structure with a plurality of different fields for holding a plurality of data types.*** Independent claims 8, 16, 20 and 22 (from which claims 9, 13, 18, 19, 21 and 23 depend) recite limitations similar to claim 1. Hirata fails to disclose or suggest the claimed subject matter.

Hirata merely relates to using electronic mail to program household appliances, allowing the appliances to accomplish a set of standard tasks. For example, Hirata allows a video deck to record a video program based upon user specified time, date and channel information. The

specified time, date and channel information are supplied by the user through electronic mail (*See e.g.*, Hirata, Figure 3; col. 5, ll. 18-67). However, Hirata does not disclose a token schema that comprises a multi-level data structure, as claimed. Instead, Hirata uses a single control command contained within an email, which is different than the elements recited in the subject claims. (*See e.g.*, col. 1, ll. 63-67). Consequently, Hirata fails to disclose or suggest ***a schema comprising a multi-level data structure with a plurality of different fields for holding a plurality of data types***, or similar limitations as recited in the subject independent claims..

In view of at least the foregoing, it is readily apparent that Hirata fails to disclose or suggest the claimed subject matter. Therefore, the rejection of independent claims 1, 8, 16, 20 and 22, and the claims that depend there from, should be withdrawn and the subject claims allowed.

II. Rejection of Claims 5-6, 10-12, 14-15, 17 and 24 Under 35 U.S.C. §103(a)

Claims 5-6, 10-12, 14-15, 17 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hirata. This rejection should be withdrawn for at least the following reasons. Claims 5-6, 10-12, 14-15, 17 and 24 depend from independent claims 1, 8, 16, 20 and 22, and for reasons stated *supra*, Hirata fails to teach or suggest all limitations as recited in the independent claims from which the subject claims depend. Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above amendments and comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP135US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,
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